S.B. CRIMINAL MISC. BAIL APPLICATION NO.1965/2006
(Krishan Kumar Vs. State)

Date of order : 10.5.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. R.S. Gill, for the applicant.
Mr. Ashok Upadhyay, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State and carefully gone through the impugned order.

It is contended by the learned counsel for the applicant that challan has already been filed.

The psychotropic substance recovered in this case is less than the commercial quantity as defined under Section 2 (viia) of the N.D.P.S. Act, which means any quantity less than the quantity specified by the Central Government by notification in the official gazette. The quantity recovered from the present applicant is less than the commercial quantity and, therefore, the limitation on grating bail as mentioned in clause (b) of sub-section (1) of Section 37 of the Act is not attracted in the present case because the quantity recovered from the applicant is 7 gram smack.

In view of the above, taking into consideration the facts and circumstances of the case, I think it just and proper to enlarge the accused

applicant on bail. Accordingly, the application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Krishan Kumar @ Sethi S/o Mohan Lal shall be released on bail (in FIR No.217/2006 P.S. Hanumangarh Town) provided he executes a personal bond in the sum of Rs.1,00,000/- and furnishes two sound and solvent sureties in the sum of Rs.50,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

This order will be subject to the condition that in case accused applicant commits any offence under the Act during the pendency of the present case then it will be open to the prosecution to move application for cancellation of the bail.

(GOPAL KRISHAN VYAS), J.

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